

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

GLORIA KERR,

Plaintiff,

v.

CHELSEA KERR RICHMOND,

Defendant,

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**CIVIL ACTION FILE
NO. 3:15-cv-28-TCB**

JUDGE _____

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Chelsea K. Richmond (“Defendant”) hereby gives notice of removal of the above-captioned matter (Civil Action No. 15-V-17-WFS) from the Superior Court of Spalding County, State of Georgia, where it is now pending to this Court by filing this Notice of Removal. As grounds for this removal, Defendant shows the Court as follows:

1.

On or about January 9, 2015, Plaintiff brought an action in the Superior Court of Spalding County, Georgia, styled *Gloria Kerr v. Chelsea Kerr Richmond*, Superior Court of Spalding County, Civil Action File No. 15-V-17-WFS (the “State Action”). Along with a Complaint, Plaintiff also filed an Emergency

Motion to the Appointment of a Receiver and Preliminary Injunction and obtained an Order Appointing Emergency Temporary Receiver. A true and correct copy of all process, pleadings, and Orders served upon Defendant in the State Action is attached hereto and incorporated as Exhibit 1.

2.

As more fully set forth below, this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 (diversity jurisdiction). The notice of removal is timely, as it was filed within 30 days of the service of the Summons and Complaint, which occurred on February 5, 2015.

3.

Diversity jurisdiction exists because the actual and proper named parties are citizens of different states, the actual and proper named Defendant is not a citizen of this State, and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs. Thus, complete diversity exists under 28 U.S.C. § 1332.

DIVERSITY JURISDICTION EXISTS

4.

The Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332. This action is therefore removable under 28 U.S.C. § 1441.

The Parties In This Case Are Diverse

5.

Upon information and belief, Plaintiff Gloria Kerr ("Plaintiff" or "Kerr") is a resident of the State of Georgia.

6.

Defendant Chelsea Kerr Richmond ("Defendant" or "Richmond") is a resident of the State of Texas.

7.

Accordingly, Plaintiff is of diverse citizenship from Defendant, as required by 28 U.S.C. § 1332(a).

8.

Furthermore, Defendant is not a citizen of the state in which the underlying action was brought. *See* 28 U.S.C. 1441(b)(2). As such, complete diversity existed on the date this action was filed and complete diversity continues to exist as of the filing of this Notice of Removal.

The Amount In Controversy Requirement Is Satisfied

9.

Plaintiff has alleged that it is owed \$200,000.00 for proceeds of a life insurance policy held by Timothy Kerr, Plaintiff's ex-husband. Complaint, ¶ 16.

Based on the facts alleged in the Complaint, the amount in controversy exceeds \$75,000, exclusive of interest and costs.

10.

Accordingly, relief sought by Plaintiff is substantial and the amount in controversy exceeds the \$75,000 threshold. 28 U.S.C. § 1332(a).

11.

Pursuant to 28 U.S.C. §§ 1441 and 1446, removal of the above-captioned State Action to this Court is appropriate.

12.

Pursuant to 28 U.S.C. § 1446(d), this Notice of Removal is being served on Plaintiff and filed with the Clerk of the Spalding County Superior Court.

13.

Defendant reserves the right to amend or supplement this Notice of Removal as appropriate.

14.

In accordance with 28 U.S.C. § 1446(a), Defendant certifies that this Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure. In addition, as set forth above, copies of all pleadings, process and other papers filed in the State Action are attached as Exhibit 1. *See* 28 U.S.C. § 1446(a).

WHEREFORE, because this Court has jurisdiction pursuant to 28 U.S.C. § 1332(a), based on the complete diversity of citizenship between Plaintiff and Defendant, removal pursuant to 28 U.S.C. § 1441 is appropriate.

Respectfully submitted this 12th day of February, 2015.

/s/ Jeffrey D. Horst

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1D, the undersigned counsel hereby certifies that the foregoing **NOTICE OF REMOVAL** complies with the font and point sections approved by the Court in Local Rule 5.1C. This document was prepared on a computer using the Time New Roman font (14 point).

/s/ Jeffrey D. Horst _____
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the within and foregoing *Notice of Removal* with the Clerk of Court using the CM/ECF system and have served on the following attorneys of record by electronic mail and by depositing a copy of same in the United States mail, in properly addressed envelopes, with adequate postage affixed thereon to insure delivery as follows:

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Respectfully submitted this 12th day of February, 2015.

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